

**Remarks/Arguments**

Claims 1-12 remain pending in this application. Claims 1 and 7 are amended. Claims 2 and 8-12 were previously presented. Claims 3-6 remain unchanged.

**35 U.S.C. §103**

Claims 1-2 and 7-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dunn et al. (U.S. Patent No. 5,721,829, hereinafter referred to as “Dunn”), in view of Fingerman et al. (U.S. Patent No. 7,143,430, hereinafter referred to as “Fingerman”), further in view of Colbath (U.S. Patent No. 6,728,776).

Claims 3-4 and 9-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dunn, Fingerman, Colbath, and further in view of Gardner et al. (U.S. Patent No. 5,583,995, hereinafter referred to as “Gardner”).

Claims 5-6 and 11-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dunn, Fingerman, Colbath, and further in view of Gelman et al. (U.S. Patent No. 5,371,532, hereinafter referred to as “Gelman”).

It is respectfully asserted that none of Dunn, Fingerman, Colbath, Gardner or Gelman, alone or in combination, disclose or suggest the step of:

“resuming display of the stored broadcast program responsive to a further determination that the client's stored broadcast programming has reached the client's predetermined storage limit,”

as described in claim 1.

Dunn teaches a system wherein “the interactive entertainment network system has a headend connected to multiple user interface units in individual homes via a distribution network. The user interface units are operable in a video-on-demand (VOD) mode to order and receive video content programs from the headend. The VOD mode is activated when the viewer tunes to a designated VOD channel. In the event that a viewer orders a video

content program, the headend transmits the ordered video content program to the particular user interface unit. The viewer can watch the program at their leisure. In the event that the viewer changes from the VOD channel to a non-VOD channel prior to completion of the ordered program, the headend automatically pauses transmission of the ordered video content program. When the viewer once again tunes to the VOD channel, the headend automatically resumes transmission of the ordered video content program to the user interface unit. In this manner, the viewer is afforded flexibility to watch the ordered program at their own schedule, and is not penalized by missing part of the rented program simply for changing channels.” (Dunn Abstract)

As admitted in the Office Action, Dunn does not disclose “allocating predetermined storage limits in a storage device for a plurality of clients on the network; determining if the client's stored broadcast programming has reached the client's predetermined storage limit; and displaying the stored broadcast program if the client's stored broadcast programming has reached the client's predetermined storage limit.” (Office Action, page 4-5) Thus, Dunn also fails to disclose the step of: “resuming display of the stored broadcast program responsive to a further determination that the client's stored broadcast programming has reached the client's predetermined storage limit,” as described in claim 1. Additionally, Dunn fails to disclose the step of pausing responsive to a determination that a storage limit has not been reached.

In Fingerman, “a method and apparatus for receiving requests for the remote storage of time schedule media programs from a client over the Internet and the delivery of such media programs in a specified streaming video format to the client is disclosed. The client requests the recording of a media program by a delivery device which delivery device identifies, in an e-mail message to the client, the storage location of the requested program in the delivery system. The client then accesses the delivery system via the Internet using the storage location identity and the delivery system delivers the stored program. The method and apparatus receives media program signals from distributed geographic locations to provide the client access to media programs not available at the client's location. Tools are also provided to simplify media program selection and storage.” (Fingerman Abstract)

The Office Action asserts that Fingerman discloses “allocating predetermined storage limits in a storage device for a plurality of clients on the network (col. 4, lines 14-

24); determining if the client's stored broadcast programming has reached the client's predetermined storage limit.” (Office Action, page 5) However, Fingerman does not disclose, nor does the Office Action assert that it discloses, resuming a paused program based upon a determination of a storage limit being reached. Thus, Fingerman, like Dunn, fails to disclose the step of: “resuming display of the stored broadcast program responsive to a further determination that the client's stored broadcast programming has reached the client's predetermined storage limit,” as described in claim 1.

In Colbath, “a system and method for the communication of streaming data is disclosed. In an exemplary method of the present invention, a first set of data is received by an information handling system. A second set of data is received via a network wherein the second set of data is continuously streaming. During times when a sufficient amount of streaming data of the second set of data is available for communication, the second set of data is communicated to a user. Otherwise, the first set of data is communicated to the user. In one embodiment, the second set of data may include a video stream viewable by a user. In another embodiment of the present invention, the first data set and the second data set may be transmitted from a first source. In yet another embodiment, during the time that a first set of data is being communicated due to a presently insufficient amount of streaming data of the second set of data, the second set of data may be monitored such that when a sufficient amount of streaming data is available, the second set of data is communicated.” (Colbath Abstract)

The Office Action asserts that Colbath discloses the step of “displaying the stored broadcast program if the client's stored broadcast programming has reached the client's predetermined storage limit.” (Office Action, page 5) Applicant respectfully disagrees.

In the cited figure and section, Colbath describes displaying an advertisement while enough video is accumulated to allow a user to resume playback. (Colbath, Figure 3) In Colbath, a resumption of playback is not based upon the amount of video stored reaching a client's storage limit, but instead on whether “enough video is queued to begin viewing.” (Colbath, Figure 3, column 4, lines 18-34) This amount of video is not based upon a client storage limit, but instead on additional buffering needed to compensate for a “slow down in transmission.” (Colbath, column 4, lines 23-25)

Thus, the amount of video required to allow resumption in Colbath is based upon the rate at which the streaming server and network can provide content, not upon a client's predetermined storage limit. Thus, Colbath, like Dunn and Fingerman, fails to disclose the step of: "resuming display of the stored broadcast program responsive to a further determination that the client's stored broadcast programming has reached the client's predetermined storage limit," as described in claim 1.

In Gardner, "an apparatus and method is provided for allocating a data file across a plurality of media servers in a network, wherein each media server has associated therewith one or more levels of I/O devices organized in a hierarchical manner. An attempt is made to allocate the storage of data across the I/O devices in such a way that the bandwidth imposed on the devices when the data file is sequentially accessed will be balanced, and optimum use of I/O bandwidths at all points in the system is achieved. This balancing can be done by incorporating knowledge regarding various bottlenecks in the system into the decisionmaking process required for distributing the data blocks. The method and apparatus further allows bandwidths to be allocated to various clients in the system at the time a data file is opened. Various checks are provided at the time a data file is accessed to ensure that the data rates actually imposed by the requesting client do not exceed that requested by the client at the time the data file was opened. The invention allows for much more efficient use of the I/O resources in a system and ensures that a given configuration will be able to support client requests." (Gardner Abstract)

Gardner does not disclose, nor does the Office Action assert that it discloses, resuming a program based upon a determination of a storage limit being reached. Thus, Gardner, like Dunn, Fingerman, and Colbath, fail to disclose the step of: "resuming display of the stored broadcast program responsive to a further determination that the client's stored broadcast programming has reached the client's predetermined storage limit," as described in claim 1.

In Gelman, "a store-and-forward architecture which stores and distributes information programs to subscribers on demand includes: information warehouses which archive information programs from multiple service vendors and dispense information programs in segments to central offices in high speed bursts; central offices which manages subscriber's request for service and buffers segments of information programs for delivery

to subscribers in real-time under the subscriber's interactive control; and customer premises equipment where a subscriber's requests and control signals for interactive play-out of information program are generated and information programs are received for the subscriber's use.” (Gelman Abstract)

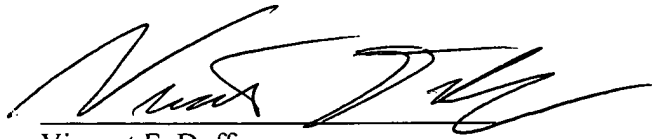
Gelman does not disclose, nor does the Office Action assert that it discloses, resuming a program based upon a determination of a storage limit being reached. Thus, Gelman, like Dunn, Fingerman, Colbath, and Gardner, fail to disclose the step of: “resuming display of the stored broadcast program responsive to a further determination that the client's stored broadcast programming has reached the client's predetermined storage limit,” as described in claim 1.

In view of the above remarks, it is respectfully submitted there is no 35 USC 112 enabling disclosure provided by Dunn, Fingerman, Colbath, Gardner, or Gelman, alone or in combination, which makes the present invention as claimed in claim 1 unpatentable. It is further submitted that independent claim 7 is allowable for at least the same reasons that claim 1 is allowable. Since dependent claims 2-6 and 8-12 are dependent from allowable independent claims 1 and 7, it is submitted that they too are allowable for at least the same reasons that their respective independent claims are allowable. Thus, it is further submitted that this rejection has been satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's representative at (818) 480-5319, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,  
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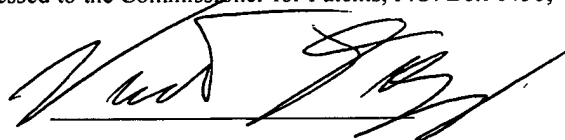
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Docket No **PUB 20413**  
Inventor(s): **Tefry, wa**

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Title: Method and System For Memory PVR Function In A Broadcast Environment  
Atty: Vincent E. Duffy

APPLICATION AS FILED

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